



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, AUGUST 5, 2014**

On this 5<sup>th</sup> day of August 2014 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Juan Salas, IT Department; Bret Mann, Finance Director; Trinidad Cantu, Assistant Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Sergio Ramirez, Police Department; Interim Chief Chris Sanchez, Fire Department; Veronica Ramirez, Human Resources Director; Olga Garza, Public Facilities Assistant Director; Sonia Flores, Finance Assistant Director; Gloria Givilancz, Grants Compliance Coordinator; George Garrett, Airport Director; Eric Mendiola, Nicole Mowbray, and other staff members and citizens.

**I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 1, 2014.
- B. Invocation.  
Pastor Ruben Garcia from Set Free Church delivered the invocation.
- C. Pledge of Allegiance.  
Mayor Suarez recited the Pledge of Allegiance and the Texas flag.
- D. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Pro-Tem Cuellar at the time of roll; Mayor Pro-Tem Cuellar arrived at 5:33 p.m.

**II. PUBLIC COMMENTS**

There were no comments received.

**III. PUBLIC HEARING**

Minutes of the Regular Meeting of the Weslaco City Commission on August 5, 2014



Page 1 of 16

- A. To solicit input on the Proposed Construction of the Boys & Girls Club Facility Building at 300 North Airport Drive, Weslaco, Texas, Hidalgo County.

At 5:35 p.m. Commissioner Pena, seconded by Commissioner Fox, moved to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager explained this City proposes changing the location of the Boys & Girls Club Facility from the Horton Campus to City Park; this hearing complies with grant funding parameters. No comments were received.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close the public hearing item at 5:34 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

IV. **CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on July 15, 2014. (Staffed by City Secretary's Office.) Attachment.

- B. Approval on Second and Final reading of the following:

2) Ordinance 2014-08 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 2112 W. Pike Blvd., also being 8.647 acres out of Farm Tract 152, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway District. (First Reading held July 15, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

3) Ordinance 2014-09 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3827 E. Expressway 83, also being Adams Tract an IRR TR N32.61'-E55.83' 0.02AC NET, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway District. (First Reading held July 15, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

- C. Approval of the renewal of the Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance and authorize the Mayor to execute any related documents. (Staffed by Library.) Attachment.

- D. Approval to declare and dispose of additional surplus property from various City departments through a public auction as per Ordinance No. 86-08, authorize a budget amendment as appropriate to recognize proceeds from the sale of assets and

Minutes of the Regular Meeting of the Weslaco City Commission on August 5, 2014

Page 2 of 16

confiscated property from this event, and authorize the Mayor to execute any related documents. (Surplus and auction authorized July 15, 2014; Staffed by Finance Department.) Attachment.

- F. Approval of a Memorandum of Understanding with Texas A&M Engineering Extension Service, authorizing the Mayor, City Manager, and/or designee to serve as member of the Texas Task Force One with costs reimburseable to the City, and authorize the Mayor to execute any related documents. (Staffed by Airport.) Attachment.
- G. Authorization of the solicitation of proposals for a 6,500 gallon Double Wall Captor Tank a Chemical Bulk Tank for Hydrochloric Acid for the Water Treatment Plant, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment.
- H. Authorization of the solicitation of proposals for chemicals, sludge and outside services necessary for the operation of the Water, Wastewater, and Lift Station systems, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment.

Commissioner Noriega requested items IV. B(1) and E be withdrawn from consent agenda for further consideration.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve items IV. A, B(2), B(3), C, D, F, G, and H as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the ordinances read as follows:

**ORDINANCE NO. 2014-08**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 2112 W. PIKE BLVD., ALSO BEING 8.647 ACRES OUT OF FARM TRACT 152, WEST AND ADAMS TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM "R-1 ONE FAMILY DWELLING DISTRICT" TO "B-2 SECONDARY AND HIGHWAY DISTRICT."**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:**

**SECTION I:** To rezone from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District," 8.647 acres out of Farm Tract 152, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas.

**SECTION II:** That this ordinance shall become effective upon its passage.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 15<sup>th</sup> day of July, 2014.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 5<sup>th</sup> day of August, 2014.

**ORDINANCE NO. 2014-09**

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 3827 E. EXPRESSWAY 83, ALSO BEING ADAMS TRACT AN IRR TR N32.61'-E55.83' 0.02AC NET, HIDALGO COUNTY, TEXAS, FROM "R-1 ONE FAMILY DWELLING DISTRICT" TO "B-2 SECONDARY AND HIGHWAY DISTRICT."

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

**SECTION I:** To rezone from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District," Adams Tract an IRR TR N32.61'-E55.83' 0.02AC NET, Hidalgo County, Texas.

**SECTION II:** That this ordinance shall become effective upon its passage.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 15<sup>th</sup> day of July, 2014.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 5<sup>th</sup> day of August, 2014.

CITY OF WESLACO  
/s/ David Suarez, Mayor

ATTEST:  
/s/ Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:  
/s/ Ramon Vela, City Attorney

- B. 1) Ordinance 2014-07 authorizing a negotiated resolution with Texas Gas Service regarding the company's May 1, 2014 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. (First Reading held July 15, 2014; Staffed by City Attorney.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried with Commissioner Noriega opposed (6-1); Mayor Suarez was present and voting.

For the record, the ordinance reads as follows:

**ORDINANCE NO. 2014-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESLACO, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S MAY 1, 2014 COST OF SERVICE ADJUSTMENT ("COSA") FILING; GRANTING THE COMPANY'S REQUEST FOR A GOOD CAUSE WAIVER OF LANGUAGE IN SECTION C.5 OF THE COSA CLAUSE; DECLARING EXISTING RATES TO BE UNREASONABLE; APPROVING ATTACHED TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY'S AND TGS' REASONABLE AND NECESSARY RATE CASE EXPENSES;

Minutes of the Regular Meeting of the Weslaco City Commission on August 5, 2014

Page 4 of 16

**ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY'S AND THE CITY'S LEGAL COUNSEL; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

WHEREAS, the City of Weslaco, Texas ("City") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling TGS' 2009 Statement of Intent to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the Cost of Service Adjustment ("COSA") tariff that allows for an expedited comprehensive rate review process; and

WHEREAS, on or about May 1, 2014, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, TGS requested a good cause waiver to Section C.5 of the COSA clause to recognize a decline in revenue associated with a loss of customers during calendar year 2013; and

WHEREAS, the Company has requested a system wide increase of \$1,216,601; and

WHEREAS, the City coordinated a review of TGS' COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the City's rate expert concluded that TGS is able to justify an increase over current rates; and

WHEREAS, the City's attorney and consultant recommend that the City approve the Good Cause Waiver, a settlement of \$936,000 on a system wide basis and a modification of cost allocation factors; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WESLACO, TEXAS:

Section 1. That the City Council finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs implementing this Ordinance, which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 2. That the requested Good Cause Waiver is granted and a rate increase of \$936,000 on a system wide basis along with a modification to cost allocation factors is reasonable.

Section 3. Allocation factors shall be as follows:

Residential 35.04%; Commercial 42.85%; Industrial 6.56%;  
Public Authority 5.61%; Transport-T1 7.03%; and Transport-T2  
2.92%

Section 4. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 5. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 6. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 8. That the tariffs attached to this Ordinance shall become effective for meters read on and after July 29, 2014.

Section 9. That a copy of this Ordinance shall be sent to TGS, care of Jose De Alba, Director of Operations, at 5602 East Grimes Road, Harlingen, Texas 78550-1783, and to Geoffrey Gay, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., P. O. Box 1725, Austin,

Texas 78767-1725.

PASSED AND APPROVED on first reading this 15<sup>th</sup> day of July, 2014.

PASSED AND APPROVED on second and final reading this 5<sup>th</sup> day of August, 2014.

/s/ David Suarez, Mayor

ATTEST:

/s/ Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:

/s/ Ramon Vela, City Attorney

- E. Approval of the 2014-2015 Intergovernmental Cooperative Agreement with Palm Valley Animal Center renewing participation in the ongoing operation of the Weslaco Animal Shelter and authorize the Mayor to execute any related documents. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Noriega lamented that most animals are held only three days then euthanized; Commissioners Rivera, Fox, and Pena suggested extending to five days not including weekends. The Mayor and Commissioner Tafolla suggested posting photographs of found dogs on the City website with the procedure to claiming a lost pet.

The City Manager suggested exploring those considerations as part of the next budget process and recommended approving this item as substantially unrelated.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Pro-Tem Cuellar and Commissioner Pena requested follow-up on this item next meeting.

## V. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2014-35 appointing an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2014-2015. Possible action. (Requested by Amigos del Valle.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve Resolution 2014-35 appointing Commissioner Tafolla as the official member and Commissioner Rivera as the alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2014-2015. The motion carried unanimously; Mayor Suarez was present and voting.

In response to Commissioner Noriega, the City Manager stated that the City did not pay its membership dues to this organization during the lean years of 2010 and 2011; the City caught up one year with an extra payment of \$5,000.00 and is scheduled to pay again in October according to the agreement made with their Executive Director.

Commissioners Pena and Noriega requested discussion of payment to Amigos del Valle at the next meeting.

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2014-35**

**THE STATE OF TEXAS     § A RESOLUTION APPOINTING A MEMBER  
COUNTY OF HIDALGO     § AND AN ALTERNATE MEMBER TO THE  
CITY OF WESLACO         § AMIGOS DEL VALLE, INC. BOARD OF  
DIRECTORS FOR FISCAL YEAR 2014-2015**

**WHEREAS**, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as the official member of the Amigos del Valle, Inc. Board of Directors; and

**WHEREAS**, the City of Weslaco may elect to appoint an individual of the City of Weslaco to serve in place of the official member; and

**WHEREAS**, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as an alternate member of the Amigos del Valle, Inc. Board of Directors; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO** that Commissioner Gerardo "Jerry" Tafolla be appointed as the official member of the Amigos del Valle, Inc. Board of Directors.

**BE FURTHER RESOLVED** that Lupe Rivera, Jr., City Commissioner be appointed as an alternate member of the Amigos del Valle, Inc. Board of Directors and a copy of this Resolution shall be delivered to the Amigos del Valle, Inc. to evidence these appointments.

**PASSED AND APPROVED** this 5<sup>th</sup> day of August, 2014.

**CITY OF WESLACO**  
/s/ David Suarez, Mayor

ATTEST:  
/s/ Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:  
/s/ Ramon Vela, City Attorney

**VI. OLD BUSINESS**

- A. Discussion and consideration to approve final payment from Hidalgo County Urban County Program Project in the amount not to exceed \$134,194.46 for the City of Weslaco Water Treatment Plant 12-Inch Recycle Line, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item on July 15, 2014; Staffed by Public Utilities Department.) Attachment.

The City Manager stated this project is ready for final payment.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

**VII. NEW BUSINESS**

Minutes of the Regular Meeting of the Weslaco City Commission on August 5, 2014

Page 7 of 16



- A. Discussion and consideration to accept bids received on tax resale property described as follows:

(1) Lots 1 and 2, Expressway Heights Subdivision; and

(2) Lots 16 and 17, Block 3, Gonzalez Addition.

approve Resolution 2014-36 authorizing the tax resale, authorize a budget amendment as appropriate, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Kelly Salazar, representing Linebarger, described the properties as located at 1915 W. Beaumont and 311 North Kansas Avenues and explained the benefit is to get these properties back on the tax role. From the sale itself, the City would receive \$4,384.22 and \$195.00, respectively; they have been in judgment since 1995 and up for sale since 2013. Sales are held quarterly.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to reject the bids received in order to rebid both properties. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to award Bid No. 2013-13-09 to the lowest responsible bidder for the purchase of five new cardiac monitors in an amount not to exceed \$161,596.75, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

The City Manager stated three bids were received and recommended to award Physio-Control as the lowest responsible bidder. Interim Chief Chris Sanchez stated these would be used to replace the current cardiac monitors that are now ten years old. Finance Director Bret Mann clarified the funding source is the Frost Bank lease, which originally budgeted four monitors in an amount not to exceed \$120,000; but since the budgeted bucket truck is ineligible for this funding source, he recommended programming that \$40,000.00 toward the purchase of an additional monitor. There are six ambulances in service, so there is one short; but this monitor records vital statistics and transmits to the hospital.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to award Bid No. 2013-13-09 to Physio-Control as the lowest responsible bidder for the purchase of five new cardiac monitors in an amount not to exceed \$161,596.75, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to award Bid No. 2013-14-10 Waterworks Collection and Distribution Materials to the lowest responsible bidder for the amount not to exceed \$301,659.07, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Public Utilities Assistant Director Trinidad Cantu explained three bids were received;



however, only two were considered complete as one did not bid on all of the materials. Commissioner Noriega stated she does not think the incomplete bid should have been included, but the City Attorney clarified only the Commission can accept or reject bids. Mr. Mann reiterated that all bids are disclosed for transparency.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to award Bid No. 2013-14-10 Waterworks Collection and Distribution Materials to Aquaworks as the lowest responsible bidder for the amount not to exceed \$301,659.07, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve Resolution 2014-34, updating a water conservation and drought contingency plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

The City Manager stated the only change is the community profile and no budget amendment is intended.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the resolution reads as follows:

**RESOLUTION NO. 2014-34**

**THE STATE OF § UPDATE OF THE WATER CONSERVATION  
TEXAS § PLAN AND DROUGHT CONTINGENCY PLAN.  
COUNTY OF §  
HIDALGO  
CITY OF WESLACO**

A RESOLUTION OF THE CITY OF WESLACO, TEXAS ADOPTING A WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN:

1. ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF THE DROUGHT RESPONSE STAGES;
2. ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES;
3. ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISION FOR ENFORCEMENT OF THESE RESTRICTIONS;
4. ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND
5. PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Weslaco recognizes that the amount of water available to the City and its customers is limited and subject to depletion during periods of extended drought; and

**WHEREAS**, the City of Weslaco recognizes that natural limitations due to drought conditions and other Acts of God cannot guarantee an uninterrupted water supply for all purposes; and

**WHEREAS**, Section 11.1272 of the Texas Water Code and applicable rules for the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a water conservation and drought contingency plan; and

**WHEREAS,** It is in the best interest of the citizens and customers of the City of Weslaco to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO THAT:**

**SECTION 1.**

That the City of Weslaco Water Conservation and Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Weslaco.

**SECTION 2.**

That all resolutions that are in conflict with the provisions of this resolution are, and the same are hereby, repealed and all other resolutions of the City not in conflict with the provisions of this resolution shall remain in full force and effect.

**SECTION 3.**

Should any paragraph, sentence, subdivision, clause, phrase, or section of this resolution held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this resolution as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

**SECTION 4.**

This resolution shall take effect immediately from and after its passage.

**DULY PASSED BY THE CITY COMMISSION** on this 5<sup>th</sup> day of August, 2014.

**CITY OF WESLACO**

/s/ David Suarez, Mayor

ATTEST:

/s/ Elizabeth M. Walker, City Secretary

APPROVED AS TO FORM:

/s/ Ramon Vela, City Attorney

- E. Discussion and consideration to approve the logos for the Bridge Avenue and Milano's Road Water Towers, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

There was no action on this item.

- F. Discussion and consideration to approve an Election Order toward a joint election with the Weslaco Independent School District during the General Election on November 4, 2014 pursuant to Texas Election Code Chapter 271 and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Staffed by Office of the City Secretary.) Attachment.

The City Manager explained this calls the election pertaining to District 2 and District 3; the City Secretary clarified two more separate but related items would be presented to the Commission, including an interlocal to cost share with the Weslaco

Independent School District and a contract to administer by the County.

Commissioner Fox, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to approve the City of Weslaco tax rate, take record vote and schedule public hearings as needed. Possible action. (Staffed by Finance Department.) Attachment.

The City Manager recommended to adopt the proposed tax rate of \$0.6867/\$100.00 valuation. The Mayor Pro-Tem noted the Commission may decrease the rate after public hearings, but cannot raise it after today; Mr. Mann noted that every \$0.01 tax decrease results in approximately \$136,000.00 loss to the City.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve to approve the City of Weslaco tax rate of \$0.6867/\$100.00 valuation, take record vote and schedule public hearings as needed August 19 and 26 at 5:30 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to approve the interlocal cooperation agreement for tax assessment and collection with the County of Hidalgo Office of Tax Assessor-Collector effective October 1, 2014 – September 30, 2015 in an amount not to exceed \$46,260.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

The City Manager stated this would be a renewal of the existing interlocal cooperation agreement, identical in terms with a \$2,000.00 cost increase.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to authorize the solicitation of proposals and/or request for qualifications for professional services for interim legal services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)

In response to Commissioner Noriega, the City Manager stated that City Attorney Ramon Vela resigned and he asked Mr. Juan Guerra to serve in the transition under his administrative authority not to exceed \$15,000.00. The Mayor stated that if the resignation is effective September 30, technically not vacated until then, there is time to pursue qualifications, especially as the charter specifies the City Attorney is an officer of the City and as such is confirmed by the Commission. City Attorney Vela clarified he is retiring from the practice of law.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried with Commissioners Pena and Noriega

opposed; Mayor Suarez was present and voting.

- J. Discussion and consideration to approve a Professional Services Agreement for interim legal services, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Noriega expressed concern it should not be necessary to hire an interim City Attorney before the current City Attorney's last day of service; the City Manager stated there is a lot of work and recommends a full-time employee, as opposed to an independent contractor, to serve as counsel. In response to Commissioner Pena, the City Attorney stated this item is not inconsistent with the previous item so long as the term is only until the Request for Proposals is finalized and the agreement is effective upon execution.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to hire Guerra & Farrah as interim City Attorney until the Request For Proposals come back, no later than September 30. The motion carried with the Mayor and Commissioners Pena and Noriega opposed (4-3).

- K. Discussion and consideration to award Bid No. 2013-14-11 to the lowest responsible bidder for street materials, including Hot Mix (delivered) and Cold Mix-Caliche-MC30 Oil (at location) in an amount not to exceed \$1,023,460.00 purchased as needed with price agreement for a period of one year commencing on date of award, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Facilities Department.) Attachment.

Public Facilities Director Oscar Garcia explained these mixes would be used to overlay various streets in Weslaco. He recommended to start with streets that have the highest traffic volumes and observed that the cost is \$66.75/load less to pick up as opposed to have delivered the mix; a used dump truck could be purchased from potential savings. The Mayor expressed excitement about getting the newly acquired equipment to work and Commissioner Noriega clarified this proposed action locks up the bid.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to award Bid No. 2013-14-11 to Frontera as the lowest responsible bidder for street materials, including Hot Mix (delivered) and Cold Mix-Caliche-MC30 Oil (at location) in an amount not to exceed \$1,023,460.00 purchased as needed with price agreement for a period of one year commencing on date of award, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- L. Discussion and reconsideration to approve the Drainage Detention Easement and the contract for granting of Drainage Detention Easement with the Weslaco Independent School District and the City of Weslaco for a 5.62 acre tract of land out of Farm Tract 140 Block 162, West and Adams Tract Subdivision, Hidalgo County and authorize the Mayor to execute any related documents. Possible action. (Approved November 19, 2013; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager stated this changes the depth of the detention pond from 12-inches to an average of 19-inches. In response to Commissioner Noriega, the City Manager stated there would be no cost to the City.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- M. Discussion and consideration 1) to extend current policies, 2) authorize self-insured options, or 3) authorize staff to solicit proposals from qualified insurance carriers for the following:

1. Worker's Compensation Insurance;
2. Employer's Liability;
3. Commercial Package (Commercial Property Insurance, Commercial General Liability, Airport Liability, Commercial Crime Liability, Law Enforcement Liability, Commercial Automobile Insurance, Error and Omissions Liability, Umbrella Liability Coverage, etc.);
4. Basic Life & Accidental Death & Dismemberment; and/or
5. Group Health Insurance

and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item June 3, 2014; Staffed by Human Resources.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to extend the policy on M1 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to extend the self-insured policy on M2 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Ramon Montalvo explained there is a 5% proposed increase on the commercial package because of the addition of the new Valley Nature Center facility to coverage. Mayor Pro-Tem Cuellar, seconded by Commissioner Pena, moved to extend the policy on M3 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager noted this policy is with Dearborn effective 2012.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to extend the policy on M4 as presented. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager noted a substantial increase of 15% proposed by Aetna; Human Resources Director Veronica Ramirez recommended extending because of losses on the policy. She clarified that Jeff Everitt is the local agent. In response to Commissioner Noriega, the City Manager recommended approval contingent on a legal opinion that this policy is eligible for extension.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to extend the policy on M5 as presented.

Commissioner Pena, seconded by Commissioner Noriega, moved to table the item; however, the City Attorney noted action already on the floor.

The motion to extend carried with the Mayor and Commissioners Pena and Noriega opposed (4-3).

- N. Discussion and consideration to approve a Professional Services Agreement to prepare the City of Weslaco Five Year Comprehensive Plan and the Master Drainage Plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

There was no action on this item.

#### **VIII. EXECUTIVE SESSION**

At 7:47 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:49 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

#### **IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. Pending Litigation - Consultation with assigned defense counsel Anthony B. James regarding C-2201-11-I Pascual Hernandez et. al. v. City of Weslaco in the 398<sup>th</sup> Judicial District Court of Hidalgo County to discuss the Summary Judgment on July 16, 2014 as authorized by §551.071 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Rivera, moved to direct assigned counsel to contact the insurance adjuster in case number C-2201-11-I *Pascual Hernandez et. al. v. City of Weslaco* and inform him of the City Commission responses in Executive Session to his proposal as to the intervenors in his case. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco.* as authorized by §551.071 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Fox, moved to authorize Keith Livesay to file an answer and defend the City in Cause No. CL14-2629-G, *Adela*

*Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco.* The motion carried unanimously; Mayor Suarez was present and voting.

- C. Pending Litigation - Consultation with City Attorney regarding Cause No. C-6090-14-B, Zequiell Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Pena, moved to retain the law firm Hodge and James from Harlingen, Texas to file an answer and defend the City of Weslaco in Cause No. C-6090-14-B, *Zequiell Montez, Gabriel Montez, Nora Montez, Irma M. Torres and Norma Garcia v. City of Weslaco* and authorize the Mayor to execute a Contract and Fee Agreement with the firm as discussed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Pending Litigation - Consultation with City Attorney regarding Civil Action No. 1:14-cv-636, Robert Lopez, Federico Salazar, Javier Garcia, Maria Dolores Salinas, Ted Walensky, Xenia Yarrito Miramontes, Lorenzo Colunga, Romeo Guerra, Rodolfo Rodriguez, Jr., Felix Salinas, Gerardo Oliva, Brooks Ditto, Alberto Ponce, Esmeraldo Lopez, Liandro Gonzalez, Arnulfo Sandoval and Plaintiffs v. Sergio Ramirez, in his individual capacity, Defendant as authorized by §551.071 of the Texas Government Code.

In response to Commissioner Noriega, the City Attorney clarified that the Texas Municipal League (TML) determined that even though the suit states “individual capacity,” the allegations pertain to his capacity as Police Chief and TML will pay the legal fees.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize assigned defense counsel Adams and Graham from Harlingen, Texas to file an answer for Sergio Ramirez in Civil Action No. 1:14-cv-636, *Robert Lopez, Federico Salazar, Javier Garcia, Maria Dolores Salinas, Ted Walensky, Xenia Yarrito Miramontes, Lorenzo Colunga, Romeo Guerra, Rodolfo Rodriguez, Jr., Felix Salinas, Gerardo Oliva, Brooks Ditto, Alberto Ponce, Esmeraldo Lopez, Liandro Gonzalez, Arnulfo Sandoval and Plaintiffs v. Sergio Ramirez, in his individual capacity, Defendant.* The motion carried unanimously; Mayor Suarez was present and voting.

- E. Pending Litigation - Consultation with City Attorney regarding Case No. 7:14-CV-00675, Martinez v. City of Weslaco as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize the City Attorney to accept Services of Process on behalf of the City and waive Service of Summons in Case No. 7:14-CV-00675, *Martinez v. City of Weslaco* and direct the City Manager to forward the complaint to the City’s insurance carrier for the appointment of defense counsel. The motion carried unanimously; Mayor Suarez was present and voting.



- F. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar regarding Civil Action No. M-13-395, *DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, David Fox and the City of Weslaco, Defendants* in U.S. District Court for the Southern District of Texas, McAllen Division as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- G. Pending Litigation – Consultation with Special Counsel regarding a revised settlement agreement in Cause No. C- 5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the Commission, at 8:55 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the August 5, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

\_\_\_\_\_  
MAYOR, David Suarez

ATTEST:

\_\_\_\_\_  
CITY SECRETARY, Elizabeth M. Walker

\_\_\_\_\_  
MAYOR PRO-TEM, J.F. “Johnny” Cuellar

\_\_\_\_\_  
COMMISSIONER, David R. Fox

\_\_\_\_\_  
COMMISSIONER, Olga M. Noriega

\_\_\_\_\_  
COMMISSIONER, Gerardo “Jerry” Tafolla

\_\_\_\_\_  
COMMISSIONER, Lupe Rivera

\_\_\_\_\_  
COMMISSIONER, Fidel L. Pena, III